

United States District Court  
WESTERN DISTRICT OF TEXAS

Filed 4-13-10  
Clerk, U. S. District Court  
Western District of Texas  
By [Signature]  
Deputy

UNITED STATES OF AMERICA

v.

JOSE BUSTOS-DIAZ

OCTAVIO RAMOS LOPEZ

CRIMINAL COMPLAINT

CASE NUMBER: SA-10-348M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 6th, 2010 in FRIO County, in the Western District of Texas defendant(s) did,

Move or Travel in Interstate Commerce for the Purpose of Avoiding Prosecution.

in violation of Title 18, United States Code, Section(s) 1073 (a).

I further state that I am a Deputy U.S. Marshal and that this complaint is based on the following facts:

See attached affidavit which is incorporated herein.

[Signature]  
Signature of Complainant  
Austin Phillips  
Deputy United States Marshal

Sworn to before me, and subscribed in my presence;

April 13th, 2010  
Date

at San Antonio, Texas  
City and State

[Signature]  
Signature of Judicial Officer  
Pamela A. Mathy  
United States Magistrate Judge  
Name and Title of Judicial Officer

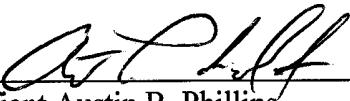
### **Affidavit of DUSM Austin B. Phillips**

I, Austin B. Phillips, am a Deputy United States Marshal, and I do declare the following to be true to the best of my knowledge. I am currently a Deputy with the United States Marshals Service and have so been employed for approximately seven years.. As a criminal investigator, my primary duty is to investigate federal, state, and local fugitives, to locate them, and arrest them. In the course of my duties, I have conducted numerous criminal investigations that have led to the arrest of hundreds of fugitives.

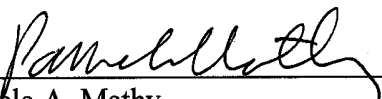
On April 6th, 2010; I received a telephone call from Terry Cobbs from The Texas Department of Criminal Justice (TDCJ) Criminal Investigations Division requesting assistance in the apprehension of Jose Bustos-Diaz and Octavio Ramos Lopez both individuals are wanted for escaping from The TDCJ Briscoe Unit in Frio County, Texas on April 6<sup>th</sup>..The pair apparently cut through a perimeter fence. Jose Bustos-Diaz was serving 35 years for murder in Harris County, Texas. Octavio Lopez, who was convicted in Hidalgo County, Texas and was serving 20 years for two counts of aggravated kidnapping and 12 years for possession of cocaine and possession with intent to deliver cocaine.

I, along with Texas Department of Criminal Justice Investigators began searching for Octavio Lopez, and Jose Bustos by conducting Interviews in order to gather information into the pairs whereabouts. On April 6<sup>th</sup> -9th 2010. Interviews with prison guards, family members, telephone and computer based records checks revealed that the two fugitives traveled together and may have fled to Mcallen, Texas, and with the close proximity to the Mexican border town of Reynosa, Mexico; The escapee's may have fled into Mexico in an effort to elude apprehension.

The U.S. Marshals and Investigators with TDCJ are making every effort to locate the two fugitives. Due to the above circumstances, I am requesting that an arrest warrant be immediately issued for Octavio Ramos Lopez, and Jose Bustos-Diaz charging them with Unlawful Flight to Avoid Prosecution.

  
\_\_\_\_\_  
Affiant Austin B. Phillips  
Deputy United States Marshal  
Western District of Texas - San Antonio Division

Sworn to and subscribed before me, this the 13th, day of April, 2010

  
\_\_\_\_\_  
Pamela A. Mathy  
U.S. Magistrate Judge  
Western District of Texas